

Rev. 4/18

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-12451

<p>Caption: <b>Peoples Party of Florida; Elise Mysels; Carolyn Wolfe; Victor Nieto</b> v. <b>Florida Dept. of State, Division of Elections; Cord Byrd, Secretary of State; Brian Corley, Pasco County Supervisor of Elections, in their Official Capacities.</b></p>	<p>District and Division: Middle Dist. Florida Name of Judge: Hon. Thomas Barber Nature of Suit: 42 U.S.C. Sec. 1983 - Elections</p> <p>Date Complaint Filed: June 3, 2022 District Court Docket Number: 8:22-cv-01274 Date Notice of Appeal Filed: July 26, 2022 <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action</p> <p>Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____</p>
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For Appellant: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Attorney Name <b>Christopher Kruger</b> <b>KRUGER &amp; GRUBER</b>	Mailing Address <b>205 N. Michigan Ave.</b> <b>Suite 810</b> <b>Chicago, IL 60611</b>	Telephone, Fax, Email <b>Ph. 847 420 1763</b> <b>Fax 847 733 0135</b> <b>chris@krugerandgruber.com</b>
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For Appellee:  
 Plaintiff  
 Defendant  
 Other (Specify)

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input type="checkbox"/> Other _____	<p>Amount Sought by Plaintiff: \$ 42 U.S.C. 1988</p> <p>Amount Sought by Defendant: \$ _____</p> <p>Awarded: \$ _____ to _____</p> <p>Injunctions:  <input type="checkbox"/> TRO  <input checked="" type="checkbox"/> Preliminary Permanent <input type="checkbox"/> Granted  <input checked="" type="checkbox"/> Denied         </p>

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression?  Yes  No  
 What is the issue you claim is one of First Impression? Constitutionality of Fla. Stat. 99.021 which became effective May 6, 2021

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute?  Yes  No  
 If Yes, provide  
 (a) Case Name/Statute Tashjian v. Republican Party of Connecticut, as applied to Fla. Stat. 91.021  
 (b) Citation 479 U.S. 208 (1986) at page 215  
 (c) Docket Number if unreported \_\_\_\_\_

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that  
 (a) Arises from substantially the same case or controversy as this appeal?  Yes  No  
 (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal?  Yes  No  
 If Yes, provide  
 (a) Case Name \_\_\_\_\_  
 (b) Citation \_\_\_\_\_  
 (c) Docket Number if unreported \_\_\_\_\_  
 (d) Court or Agency \_\_\_\_\_

(4) Will this appeal involve a conflict of law  
 (a) Within the Eleventh Circuit?  Yes  No  
 (b) Among circuits?  Yes  No

If Yes, explain briefly:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Statute requires a nominee to be a registered voter with the subject party for 365 days before the first day of the "Qualifying Period," which is 148 days before General Election in current cycle, violating Tashjian, *supra*, 408 U.S. at 215. Because statute contains no exemption for newly-formed parties or newly-formed candidacies, the statute discriminates, contrary to Williams, 393 U.S. 23 (1968), Anderson, 460 U.S. 780 (1983), & Norman, 502 U.S. 279 (1992); because of its propensity to "lock-out" candidates it further violates Anderson. The District Court's denial of injunctive relief violates *McCarthy v. Askew*, 540 F 2d 1254 (1976).

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 29 DAY OF JULY 2022.

Christopher Kruger

NAME OF COUNSEL (Print)

/s/ Christopher Kruger

SIGNATURE OF COUNSEL